

ASSEMBLY BILL

No. 256

Introduced by Assembly Member Wayne

February 14, 2001

An act to add Section 1799.207 to the Civil Code, relating to consumer contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 256, as introduced, Wayne. Consumer contracts.

Existing law sets forth the Consumer Contract Awareness Act of 1990, which requires the delivery of a copy of a consumer contract, as defined, to the consumer, except as specified.

This bill would provide that, notwithstanding any other provision of law, if a consumer in this state enters a consumer contract or other transaction for the purchase or lease of goods or services primarily for personal, family, or household purposes and the consumer contract or other agreement documenting the transaction is created, generated, sent, communicated, received, or stored by electronic means, the consumer contract or transaction shall be governed by California law, the consumer contract or transaction shall be deemed to have been made or to have occurred at the individual's residence, and any action arising from or connected with the consumer contract or transaction that is commenced against the consumer shall be filed in the county or judicial district in which the consumer resided at the time the transaction was entered or resides at the time action is filed. The bill would also provide that these requirements may not be waived or varied by agreement, and any waiver of these requirements is void and unenforceable as contrary to public policy.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1799.207 is added to the Civil Code, to
2 read:
- 3 1799.207. Notwithstanding any other provision of law, if a
4 consumer in this state enters a consumer contract or other
5 transaction for the purchase or lease of goods or services primarily
6 for personal, family, or household purposes and the consumer
7 contract or other agreement documenting the transaction is
8 created, generated, sent, communicated, received, or stored by
9 electronic means, all of the following apply:
- 10 (a) The consumer contract or transaction shall be governed by
11 California law.
- 12 (b) For the purpose of applying the provisions of this part, the
13 consumer contract or transaction shall be deemed to have been
14 made or to have occurred at the individual's residence.
- 15 (c) Any action arising from or connected with the consumer
16 contract or transaction that is commenced against the consumer
17 shall be filed in the county or judicial district in which the
18 consumer resided at the time the transaction was entered or resides
19 at the time action is filed.
- 20 (d) This section may not be waived or varied by agreement.
21 Any waiver of this section is void and unenforceable as contrary
22 to public policy.

